

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DEVON ENERGY CORPORATION,

Plaintiff,

v.

DONALD C. WESTACOTT,

Defendant.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. H-09-1689

FINAL JUDGMENT AND PERMANENT INJUNCTION

The trial of this matter was set with proper notice to both parties. The plaintiff, Devon Energy Corporation (“Devon”), appeared personally and by and through its attorneys of record, Paul L. Mitchell and Rachael M. Rolón of the law firm Andrews Kurth, LLP. The defendant, Donald C. Westacott, appeared personally and by and through his attorney of record, Scott Brazil of the law firm Brazil & Dunn. A panel of duly qualified men and women was selected and sworn in as the jury. The parties, through their attorneys, made opening statements, presented their evidence, and, on August 31, 2011, all parties rested. The court, in consultation with and agreement by the attorneys representing the parties, prepared and submitted written questions, definitions, and instructions to the jury. The parties, through their attorneys, were allowed to examine the charge and were provided with ample opportunity to object. On August 31, 2011, the court read its written charge and questions to the jury, and the parties, through their attorneys, presented argument to the jury. The jury deliberated and announced through its foreperson that it had reached a verdict. The verdict was read aloud in open court in the presence of the jury and the attorneys representing the parties and the jury was polled on its answers. No party through its attorney objected to the receipt

of the verdict. The court received, filed, and entered of record the jury's verdict and discharged the jury.

The court, having presided over the trial on the merits and having heard the evidence, received the verdict of the jury, and read and heard the arguments of the parties, enters the following Order of Final Judgment. Final judgment is entered as follows:

1. Devon have judgment against Donald C. Westacott for damages in the amount of \$60,000.
2. Devon have judgment against Donald C. Westacott for attorney's fees in the amount of \$83,000.
3. Devon have judgment against Donald C. Westacott for taxable costs.
4. The total amounts awarded will accrue postjudgment interest at the rate of .10% per annum.
5. Donald C. Westacott is hereby permanently restrained and enjoined from directly or indirectly doing any of the following:
 - a. Deleting, altering, "wiping," destroying, disclosing, reviewing, copying or otherwise using, revealing, disposing of, or compromising confidential or proprietary Devon data in Donald C. Westacott's actual or constructive possession, custody, or control. The term "Devon data" includes, without limitation, Devon's geological data, geological application data, trade secrets, and other confidential data belonging to Devon, whether or not such data has been combined with other data not owned by Devon.

- b. Deleting, altering, “wiping,” or destroying any digital media of any kind in Donald C. Westacott’s actual or constructive possession, custody, or control, which contains any Devon data, including without limitation, the following:
 - i. compact discs containing Devon data, including compact discs burned by Donald C. Westacott on any computer owned by Devon while Donald C. Westacott was employed by Devon, including without limitation the CDs created or “burned” by the user “westad” on January 26, 2009 at 3:44 p.m., on January 27, 2009 at 3:20 p.m., and on January 29, 2009 at 11:03 a.m. and at 11:21 a.m.;
 - ii. portable hard drives containing Devon data, including portable hard drives connected by Donald C. Westacott to any computer owned by Devon while Donald C. Westacott was employed by Devon, including without limitation the STORIX 30 GB USB portable drive that was plugged into the Devon computer used by Donald C. Westacott on January 27, 2009 at 7:23 a.m., the USB STORIX Compact6 Drive/30 GB 2.5 inch Toshiba hard drive that was attached to the Devon computer used by Donald C. Westacott on January 27, 2009 (MS Windows serial no. 2B0604A96ADF01&0); and the 60 GB Hitachi drive that was attached to the Devon computer used by Donald C. Westacott on January 21 and 26, 2009; and
 - iii. flash drives or other solid state storage devices containing Devon data, including without limitation any such devices connected by

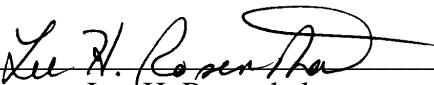
Donald C. Westacott to any computer owned by Devon while Donald C. Westacott was employed by Devon, including without limitation the Generic 2 GB USB flash drive that was plugged into the Devon computer used by Donald C. Westacott on January 29, 2009 at 6:36 a.m. while user "westad" was logged on (Windows-associated serial number DEF108AB28D0&0).

6. Donald C. Westacott, within 14 days from the date of this Judgment, must produce all Devon data as well as all digital media containing such data in his actual or constructive possession, custody, or control.
7. This court retains jurisdiction to enforce the Final Judgment and Permanent Injunction against Donald C. Westacott, his agents, servants, or employees, if any, and on those persons in active concert or participation with him who receive actual notice by personal service or otherwise.
8. This Permanent Injunction is violated by Donald C. Westacott, Devon may, by motion and notice, apply for appropriate relief.
9. The Clerk is directed to repay the bond previously posted by Devon in the amount of \$500, with any interest as allowed by law, to the attorneys of record for Devon.

All relief not expressly granted herein is denied.

This is a final judgment.

SIGNED on September 19, 2011, at Houston, Texas.



Lee H. Rosenthal
United States District Judge